

Response dated 07/08/2005

Application No. 10/707,599

Response to Notice of Non-Compliant Amendment mailed 06/17/2005

REMARKS

The Office Action of February 17, 2005 has been reviewed and the comments therein were carefully considered. Claims 1-2, 8, 21, 28, 30, 33-34, 40, 49-51, and 54-55 have been canceled in this current response. Claims 3-4, 6, 9-11, 20, 22, 25-27, 29, 31-32, 35, 38, 41-43, and 52-53 have been amended in the current response. No new matter has been introduced into the application.

Allowable subject matter

Claims 9-10 and 41-42 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicants would like to thank the Examiner for indicating the allowable subject matter. Applicants have rewritten generic claims 9, 10, 41, and 42 into independent form including all of the elements of the base claim and any intervening claims. Applicants respectfully submit that claims 9, 10, 41, and 42 are in condition for allowance. Dependent claims 3-7, 11-20, 35-39, 43-48, and 52-53 which ultimately depend from one of independent claim 9, 10, 41, and 42 are allowable for at least the same reasons as the independent claim from which they depend.

Applicants further respectfully submit that rewritten independent claims 9, 10, 41, and 42 are generic claims as submitted by the Applicants in the Response to the Election of Species filed on December 20, 2004. Applicants respectfully request that the restriction be withdrawn as to all species claims fully embraced by generic claims 9-10 and 41-42. Furthermore, Applicants have amended claims 25-26 and 31-32 into independent form to include the allowable subject matter as identified by the Office Action in generic claims 9-10 and 41-42. Applicants

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respectfully submit that each of currently amended independent claims 25-26 and 31-32 are allowable for at least the same reasons as generic independent claims 9, 10, 41, and 42

Similarly, dependent claims 22-24, 27, and 29 which ultimately depend from one of independent claims 25 and 31 are allowable for at least the same reason as the independent claim from which they depend.

Information Disclosure Statement

Applicants would like to thank the Examiner for the brief conferral to discuss the status of the previously submitted Information Disclosure Statements. The Examiner stated that copies of the foreign references and publications filed with the January 8, 2004 Information Disclosure Statement were not received. Applicants respectfully submit that copies of the foreign references and publications were filed with the Information Disclosure Statement as listed on the filed paperwork and acknowledged by receipt of the return post card. Applicant is resubmitting the listed foreign references and publications as an attachment to this Amendment. Applicants respectfully request that these foreign references and publications be considered by the Examiner.

In addition, Applicants note that a patent listed on the Information Disclosure Statement of 12/23/03 was not acknowledged by the current Office Action. Applicants respectfully request confirmation that U.S. Patent Number 5,658,208 (item 22) was considered by the Examiner.

Furthermore, an additional supplemental information disclosure statement is being filed with this response along with the associated fee.

Double Patenting

The Office Action advised that should claim 52 be found allowable, claim 53 will be objected to under 37 CFR 1.75 as being a substantial duplicated thereof.

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Applicant has amended claim 53 in the current response to depend from claim 42. Applicants respectfully request reconsideration of the grounds of rejection based on the claim amendments.

Claim Objections

Claim 52 stands objected to because the faxed copy of the December 20, 2004 amendment was very hard to read due to the faxing process. A new set of claims is required.

Applicants have submitted a new set of claims along with this Amendment starting of page 2. Applicant respectfully submits that the new set of claims included with this Amendment renders the rejection moot.

Claim Rejections Under 35 USC §102

Claims 1-3, 8, 20 are rejected under 35 USC §102(b) as being anticipated by Dumikoski, U.S. Patent No. 5,899,817.

In the current response, claims 1-2 and 8 have been canceled. Claim 3 depends from independent claim 9, and claim 20 depends from independent claim 10. In the current response, Applicants have amended claims 9 and 10 into independent form and are allowable for at least the reasons expressed in the current Office Action. Dependent claims 3 and 20 are allowable for at least the same reasons as independent claims 9 and 10 from which they ultimately depend.

Claims 1-5, 8 and 20 are rejected under 35 USC §102(b) as being anticipated by Lu, U.S. Patent No. 5,297,794.

In the current response, claims 1-2 and 8 have been canceled. Claim 3-5 ultimately depend from independent claim 9, and claim 20 depends from independent claim 10. In the current response, Applicants have amended claims 9 and 10 into independent form and are allowable for at least the reasons expressed in the current Office Action. Dependent claims 3-5

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and 20 are allowable for at least the same reasons as independent claims 9 and 10 from which they ultimately depend.

Claim Rejections Under 35 USC §103

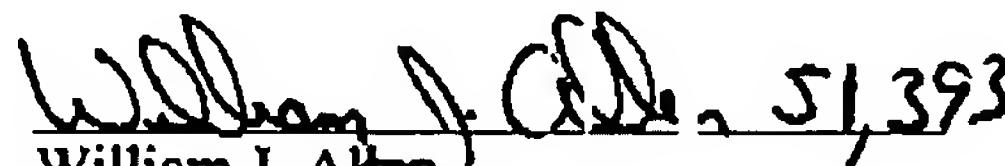
Claims 33-37, 40 and 52-53 are rejected under 35 USC §103(a) as being unpatentable over Lu, U.S. Patent No. 5,297,794 in view of Gilbert, U.S. Patent No. 6,290,607.

In the current response, claims 33-34 and 40 have been canceled. Claim 35 37 and 52 ultimately depend from independent claim 41, and claim 53 depends from independent claim 42. In the current response, Applicants have amended claims 41 and 42 into independent form and are allowable for at least the reasons expressed in the current Office Action with respect to claims 9-10 and 41-42. Dependent claims 35-37 and 52-53 which depend from and further limit one of independent claims 41 and 42 are also patentably distinct for at least the same reason as the independent claim from which they ultimately depend. Accordingly, Applicants respectfully requests withdrawal of the rejection.

Applicants therefore respectfully request reconsideration of the pending claims and a finding of their allowability. A notice to this effect is respectfully requested. Please feel free to contact the undersigned should any questions arise with respect to this case that may be addressed by telephone.

Respectfully submitted,

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